

# EXHIBIT B

Pages 1 - 47

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Before The Honorable Jacqueline Scott Corley, Magistrate Judge

CITY AND COUNTY OF SAN )  
FRANCISCO and THE PEOPLE OF THE )  
STATE OF CALIFORNIA acting by )  
and through San Francisco City )  
Attorney Dennis J. Herrera, )

Plaintiffs, )

VS. )

NO. C 18-07591 CRB (JSC)

PURDUE PHARMA L.P.; et al., )

Defendants. )

San Francisco, California

Monday, May 10, 2021

TRANSCRIPT OF PROCEEDINGS BY ZOOM WEBINAR

APPEARANCES BY ZOOM WEBINAR:

For Plaintiffs:

LIEFF, CABRASER, HEIMANN & BERNSTEIN LLP  
275 Battery Street - 29th Floor  
San Francisco, California 94111  
BY: KEVIN R. BUDNER, ATTORNEY AT LAW  
MICHAEL I. LEVIN-GESUNDHEIT, ATTORNEY AT LAW  
PAULINA DO AMARAL, ATTORNEY AT LAW  
MIRIAM MARKS, ATTORNEY AT LAW

(APPEARANCES CONTINUED ON FOLLOWING PAGE)

REPORTED BY: Jo Ann Bryce, CSR No. 3321, RMR, CRR, FCRR  
Official Reporter

1 plaintiffs -- it's not even clear to me that you guys have  
2 really met and conferred on this now.

3 MR. BUDNER: Your Honor, I think we have. I think  
4 we've encountered some of the roadblocks that Your Honor is  
5 encountering now, which is that we frankly just don't get a lot  
6 of information to flesh out and substantiate the burden  
7 objection.

8 I understand that these may be difficult to locate, to  
9 review. I have to say I was quite surprised to learn this  
10 morning, as you did, that what we had thought was a universe of  
11 scanned prescriptions, now we're told was scanned at a moment  
12 in time before any notes were written on them. So that changes  
13 our understanding.

14 And I guess I would like some confirmation that that is,  
15 in fact, true, and we'd like to see -- I mean, we'd like to see  
16 that in some sort of written declaration because before what we  
17 had in a declaration was all of the prescriptions were scanned  
18 front and back, at least there was no exclusion as to front or  
19 back, and that the only impediment was that they have to figure  
20 out some sort of data architecture to export it.

21 That's a lot different than going back through thousands  
22 of boxes in stores and in offsite storage. And so this is I  
23 think a really significant new piece of information that we're  
24 getting a month after the briefing on this.

25 MS. SWIFT: It's something I learned --

1 MR. BUDNER: It's surprising.

2 MS. SWIFT: It's something I learned at the very end  
3 of last week, and I told you as soon as I learned it.

4 We've never said we could --

5 THE COURT: It is a little troubling that you just  
6 learned it given all the briefing and stuff that we've had it;  
7 but that just goes back to what I said at the beginning,  
8 Ms. Swift, is I don't think Walgreens has met its burden of  
9 showing burden because I don't think Walgreens, maybe until  
10 just today, actually understood what's there, but even today,  
11 as to the electronic notes and the fields, doesn't understand  
12 what's there.

13 So what I want you to do is go back and you need to go and  
14 Walgreens needs to, like, give access to, and maybe this is  
15 what I said at the very beginning, let the plaintiffs' lawyers  
16 come in and look too. Sit down and do it together. Not your  
17 client tells you something and you tell them something and it's  
18 telephone, and it's not working because we're getting  
19 inaccurate information. Okay? Because we have gotten  
20 inaccurate information in the past so they need to sit down  
21 together.

22 We had the 12 stores that the hard copy due diligence  
23 records came from; right? It seems to me, I'll let you decide,  
24 that if we stay within those 12 stores, we're going to have a  
25 better picture -- right? -- that those are our samples, if we

1 looked at the electronic notes and a sample of the hard copies,  
2 and maybe those three years would be, you know, that are there  
3 in the store.

4 I guess what I'm saying is if you pick a stack and you say  
5 to plaintiffs, "Well, come look at this stack," and then they  
6 can figure out how many. At least initially take a stack, a  
7 box, file cabinet, whatever it is, they can look through, you  
8 can look through together and say, "Oh, there's only notes on  
9 10 percent, 1 percent, 50 percent." Whatever it is. As we sit  
10 here today, we have no idea; right?

11 MS. SWIFT: Your Honor, we will be happy to meet and  
12 confer further with plaintiffs on this issue.

13 I just want to make very clear, all of the information  
14 that we have collected and provided to the Court has been  
15 completely accurate to the best of our knowledge, and we have  
16 been investigating this and talking to lots and lots of people.

17 THE COURT: No, no, to the best of your knowledge.  
18 I'm not suggesting at all, Ms. Swift, that you said something  
19 that you knew was inaccurate, but apparently you had received  
20 information that was inaccurate and so that was --

21 MS. SWIFT: It was potentially incomplete is the way I  
22 would put it, but understood. We will go back and meet and  
23 confer further with plaintiffs on this.

24 THE COURT: Okay. I think that it was my -- it was  
25 certainly my understanding, I think plaintiffs' understanding,

1 and it wasn't corrected, that these scanned notes had -- there  
2 was no argument in any letter brief that we had to go back and  
3 collect hard copy prescriptions as far as I understand it.

4 MS. SWIFT: There was, Your Honor. We put in a  
5 separate declaration specifically on that issue.

6 THE COURT: All right. In any event, but I want this  
7 resolved also by -- it was a week -- it was next Wednesday;  
8 right? Not this coming Wednesday, the following Wednesday.  
9 The same as what the plaintiffs had with theirs. All this,  
10 we've got to tie this up and move it forward.

11 But, again, you're going to have to produce something --  
12 right? -- or you can't talk about it.

13 MR. BUDNER: If I may, Your Honor, just to understand  
14 what is going to happen really after a week from Wednesday, you  
15 know, I really hope we can come to some resolution with  
16 Walgreens on what an appropriate path forward is.

17 I think that there is at least a possibility that we  
18 are -- that our minds do not meet on this given that it's an  
19 issue we've discussed for many months, and that Walgreens' idea  
20 of what appropriate sampling is does not meet ours.

21 Is there a way that we can -- can you offer a way for us  
22 or may I propose a way for us to get this back before  
23 Your Honor's attention if the parties are unable to come to an  
24 agreement?

25 THE COURT: Well, you can submit a brief and I'll do